

From: Christopher Adam Telfer
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

I am writing to submit my comment regarding the proposed settlement with Microsoft. I find that there are many problems with this settlement. One in particular causes most of the stipulations placed in this settlement to be completely ineffective at preventing any of the abuses that the settlement seeks to curb.

> Section VI

> U."Windows Operating System Product" means the software code (as opposed to
> source code) distributed commercially by Microsoft for use with Personal
> Computers as Windows 2000 Professional, Windows XP Home, Windows XP
> Professional, and successors to the foregoing, including the Personal Computer
> versions of the products currently code named "Longhorn" and "Blackcomb" and
> their successors, including upgrades, bug fixes, service packs, etc.
> The software code that comprises a Windows Operating System Product shall be
> determined by Microsoft in its sole discretion.

Allowing Microsoft to have full authority over what is and isn't part of the Operating System allows them to control when many of the stipulations of the settlement come into play and when they don't. A significant portion of the antitrust trial centered around whether Internet Explorer could be removed from the Windows. Microsoft contended that it could not because it was "part of the operating system". The courts found otherwise. This is a historical example of where, if Microsoft had full authority to name what was part of the operating system and what wasn't, it would have abused the legal process and avoided just judgement for its offenses.

This clause should be removed. At the very least, a third-party panel of authorities in the computing field should be used to make such a determination if it ever comes into question.

Christopher Telfer
Graduate Student
Purdue University
West Lafayette, IN